

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NATIONAL RIFLE ASSOCIATION OF
AMERICA,

Plaintiff and Counter-Defendant,

v.

Case No. 3:19-cv-02074-G

ACKERMAN MCQUEEN, INC.,

Defendant and Counter-Plaintiff,

and

MERCURY GROUP, INC., HENRY
MARTIN, WILLIAM WINKLER, and
MELANIE MONTGOMERY,

Defendants.

**ACKERMAN MCQUEEN'S REQUESTED VOIR DIRE
INSTRUCTIONS AND QUESTIONS**

Pursuant to the Court's October 13, 2020 Scheduling Order (ECF 174), as amended, Defendant/Counter-Plaintiff Ackerman McQueen, Inc. ("AMc") and Defendants Mercury Group, Inc. ("Mercury"), Henry Martin ("Martin"), William Winkler ("Winkler"), and Melanie Montgomery ("Montgomery") (collectively, "AMc") hereby submits the following *Requested Voir Dire Instructions and Questions*:

AMc respectfully submit the following instructions¹ and questions to be asked of the venire panel during voir dire:

1. *This case involves numerous parties. The National Rifle Association of America is a Second Amendment non-profit organization headquartered in Virginia. Ackerman McQueen, Inc. and its wholly owned subsidiary, Mercury Group, Inc., is an advertising*

¹ Instructions are in bold and italics.

agency headquartered in Oklahoma. William Winkler is an executive at Ackerman McQueen from Oklahoma. Melanie Montgomery and Henry Martin are Ackerman McQueen executives from Dallas.

- a. Has anyone heard of any of these involved parties?
 - i. Tell me what you heard and how you heard it.
- b. Does anyone know any of these parties?
 - i. How do you know them?
- c. Does anyone have any knowledge of lawsuits involving the Ackerman McQueen advertising agency out of Oklahoma City and the NRA?
 - i. Tell me what you heard and how you heard it.

2. *This case also involves some public figures.*
 - a. Does anyone know Wayne LaPierre?
 - i. If yes, do you have a high positive regard of Mr. LaPierre?
3. *There are a number of attorneys and law firms involved in this case, including some that will be testifying as witnesses.*
 - a. Do you know or have any connection to any of the following attorneys that are present today and represent Ackerman McQueen, Mercury Group, Mr. Winkler, Ms. Montgomery, and Mr. Martin?
 - i. Brian Mason
 - ii. Jay Madrid
 - iii. Mike Gruber
 - iv. Christina Carroll
 - v. Jeremy Wallace
 - b. Do you know or have any connection to any of the following attorneys that are present today and represent the NRA?
 - i. Cecilia Fanelli
 - ii. Sarah Rogers
 - iii. Phillip Furia

- iv. David Partida
- v. Svetlana Eisenburg

- c. Do you know or have any connection to any of the following attorneys?
 - i. Bill Brewer
 - ii. John Frazer
- d. Do you know or have any connection to the following law firms?
 - i. Brewer Attorneys & Counselors, formerly known as Bickel and Brewer
 - ii. Dorsey & Whitney LLP

- 4. ***This lawsuit generally involves a dispute between longtime business associates who have sued each other.***
 - a. Have you been a business owner involved in a legal dispute?
 - b. What happened?
- 5. ***The NRA allows individuals to join its organization as a member.***
 - a. Is anyone currently a member of the NRA?
 - i. If yes, how long have you been a member?
 - b. Do you receive communications from the NRA such as emails, texts, magazines, or other reading materials or letters?
 - i. Is it possible that you have gotten information from the NRA about lawsuits it is involved in?
 - 1. If yes, what are the lawsuits?
- 6. Has anyone ever been a past member of the NRA?
- 7. Is there anyone here who has an immediate family member who is also a member of the NRA?
- 8. Does anyone have any connection or association with any of the following groups?
 - a. Texas Gun Rights
 - b. Gun Owners of America
 - c. Texas State Rifle Association

d. Second Amendment Foundation

9. Who here feels so strongly in support of the Second Amendment—that is the right to possess and bear arms—that you are concerned about serving as a juror in this case that could involve a verdict against the NRA?

- a. What is your concern?
- b. Is your concern based on a moral conviction?

Date: February 25, 2022

Respectfully submitted,

/s/ Brian E. Mason

Brian E. Mason, Esq.

Texas Bar No. 24079906

mason.brian@dorsey.com

G. Michael Gruber, Esq.

Texas Bar No. 08555400

gruber.mike@dorsey.com

Jay J. Madrid, Esq.

Texas Bar No. 12802000

madrid.jay@dorsey.com

J. Brian Vanderwoude, Esq.

Texas Bar No. 24047558

vanderwoude.brian@dorsey.com

DORSEY & WHITNEY LLP

300 Crescent Court, Suite 400

Dallas, Texas 75201

Phone: (214) 981-9900

Facsimile: (214) 981-9901

**ATTORNEY FOR DEFENDANTS/
COUNTER-PLAINTIFF**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on all parties receiving notice by and through the Court's CM/ECF system on February 25, 2022.

/s/ Brian E. Mason

Brian E. Mason